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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,402	02/20/2004	Rick J. Hartbrodt	HARRPA104	6360

7590 01/31/2005

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EXAMINER

HOEY, ALISSA L

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/783,402

**Applicant(s)**

HARTBRODT, RICK J.

**Examiner**

Alissa L. Hoey

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lisciandro et al. (US 6,105,170).

In regard to claim 1, Lisciandro teaches an overcoat (10) comprising a shell defined by a main body and left and right sleeves and having an outer facing and an inner facing side (figure 1A, 1B, 2A and column 3, line 1). The main body including a back panel (14), a left front panel (13) and a right front panel (12). A lining (40) having a corresponding back panel (14), a corresponding left front panel (12) and a corresponding right front panel (13), disposed in overlying relation to at least a portion of each of the back panel, left and right front panel of the main body on the inner facing side of the shell (column 3, lines 45-50). A plurality of pockets (52, 44, 48) of varying size and dimension on the lining and including at least one main pocket positioned on the corresponding back panel (52). The at least one main pocket positioned on the corresponding left front panel (44) and at least one main pocket positioned on the corresponding right front panel (48). The at least one secondary pocket on one of the corresponding left and right front panels, each of the pockets including a pocket opening (column 4, lines 12-16). A pocket closure means at the pocket opening of each of the

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plurality of pockets for releasably securing the pocket opening in order to hold articles securely within the pockets (column 4, lines 12-16). At least one clothing securing strap (92) in at least one of the pockets (98, 94) that is capable of securing one or more clothing articles (90) therein.

In regard to claim 5, Lisciandro teaches that the garment can be constructed from a mesh fabric (column 4, lines 8-12). It is inherent that if the garment is constructed of a mesh fabric then the pockets being part of the garment would also be constructed of a mesh fabric. Mesh fabric inherently provides ventilation to the pockets and is capable of assisting in ease of visual inspection of the contents within the pockets.

In regard to claim 8, Lisciandro teaches at least one securing strap (49) on the lining and exterior of the plurality of pockets. The at least one securing strap (49) being structured and disposed for holding one or more articles on the lining (column 3, lines 60-67).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisciandro et al. in view of Toombs (US 5,850,634)

Lisciandro teaches a garment (10) as described above in claim 1. However, Lisciandro fails to teach means for removably securing the lining and the plurality of

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pockets to the inner facing side of the shell. The means for removably securing is non-metallic zipper fasteners located along a portion of a periphery of the lining.

In regard to claim 2, Toombs teaches a garment (50) having means for removably securing the lining (56) to garment.

In regard to claim 3, Toombs teaches the means for removably securing the lining (54) to the inner facing side of the shell and comprises a non-metallic fastener (column 4, lines 20-23).

In regard to claim 4, Toombs teaches the non-metallic fastener is a hook and loop fastener, including a first hook/loop member secured to the inner facing side of the shell and a second cooperating hook/loop member about at least a portion of a periphery of the lining (column 4, lines 20-23).

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the non-metallic fastener being a zipper because Applicant has not disclosed that the non-metallic fastener is a zipper provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the non-metallic fastener being a zipper, hook and loop fastener, snaps or buttons because as long as the fastener is non-metallic the type of fastener is irrelevant. Therefore, it would have been an obvious matter of design choice to modify Toombs to obtain the invention as specified in claim 4.

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In regard to claim 10, Lisciandro teaches all of the limitations as described above (see claims 1, 5 and 8). However, Lisciandro fails to teach means (56) for removably securing the lining (54) to the inner facing side of the shell (52).

Toombs teaches a garment (50) having means for removably securing (56) the lining (54) to the inner facing side of the shell (52).

In regard to claim 11, Toombs teaches means for removably securing the lining to the inner facing side of the shell comprising a non-metallic fastener (column 4, lines 20-23).

In regard to claim 12, Toombs teaches the non-metallic fastener is being a hook and loop fastener (column 4, lines 20-23).

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the non-metallic fastener being a zipper because Applicant has not disclosed that the non-metallic fastener is a zipper provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the non-metallic fastener being a zipper, hook and loop fastener, snaps or buttons because as long as the fastener is non-metallic the type of fastener is irrelevant. Therefore, it would have been an obvious matter of design choice to modify Toombs to obtain the invention as specified in claim 12.

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In regard to claim 13, Lisciandro teaches the pocket panel of each of the plurality of pockets is mesh material, and mesh material is inherently open (column 4, lines 8-12).

In regard to claim 14, Lisciandro teaches the at least one securing strap (49) on the lining and exterior of the plurality of pockets. The at least one securing strap (49) being structured and disposed for holding one or more articles on the lining (column 3, lines 60-65).

It would have been obvious to have provided the garment with interior pockets of Lisciandro with the removable lining means of Toombs, since the garment of Lisciandro provided with means for removing the lining would allow the user to wear that garment with or without the lining depending upon the weather and comfort of the wearer.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisciandro in view of Bennett (US 5,692,237).

Lisciandro teaches a garment as describe above in claim 1. However, Lisciandro fails to teach the clothing securing strap comprises a first strap segment with a free distal end and a second strap member with a free distal end. Cooperating attachment members on the free distal ends of the first and second strap segments for releasable, interconnected attachment of the free distal ends. Means for adjusting the length of the at least one of the first and second strap segments. Further, Lisciandro fails to teach a plurality of the clothing securing straps, including at least one of the clothing securing strap in at least two of the plurality of pockets.

In regard to claim 6, Bennett teaches a clothing securing strap (48, 50) comprising a first strap segment (48) with a free distal end and a second strap member (50) with a free distal end. Cooperating attachment members (52) on the free distal ends of the first and second strap segments for releasable, interconnected attachment of the free distal ends. Means for adjusting the length of the at least one of the first and second strap segments (52).

In regard to claim 7, Bennett teaches a plurality of the clothing securing straps (48, 50, 28, 30), including at least one of the clothing securing straps in at least two of the plurality of pockets (20, 40).

It would have been obvious to have provided the garment with interior pockets of Lisciandro with the plurality of securing straps of Bennett, since the garment of Lisciandro provided with a plurality of securing straps that are adjustable would allow the user to secure items within the pockets so that they do not bounce around the pockets creating discomfort to the user.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lisciandro in view of Hopkins (US 4,475,251).

Lisciandro teaches a garment as described above in claim 1. However, Lisciandro fails to teach a second main pocket positioned on the corresponding back panel of the lining.

In regard to claim 9, Hopkins teaches a garment having a first and second main pockets positioned on the corresponding back panel of the lining (24 and 40).



It would have been obvious to have provided the garment with interior pockets of Lisciandro with the second main pocket positioned on the corresponding back panel of the lining, since the garment of Lisciandro provided with an additional main pocket on the back panel of the lining would provide additional places to store items on the interior of the back panel.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lisciandro and Toombs as applied to claim 10 above, and further in view of Hopkins.

Lisciandro and Toombs teach a garment with interior pockets and a removable liner as described above in claim 10. However, Lisciandro and Toombs fails to teach a second main pocket positioned on the corresponding back panel of the lining.

In regard to claim 15, Hopkins teaches a garment having a first and second main pockets positioned on the corresponding back panel of the lining (40, 24).

It would have been obvious to have provided the garment with interior pockets and removable liner of Lisciandro and Toombs with the second main pocket positioned on the corresponding back panel of the lining, since the garment of Lisciandro and Toombs provided with an additional main pocket on the back panel of the lining would provide additional places to store items on the interior of the back panel.

### ***Conclusion***

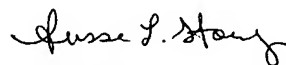
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Garaud, Emanuel, Moore, Bailey, Modlinski, Hennessey, Herbert, Konz, Carmen, Ingrisano, Tartt, Curtis, Adams, Inagaki, Golde, Duyn, Bush, Greenberg, and Buonassissi are all cited to show closely related garments.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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